

BOARD OF APPEALS CASE NO. 4979

BEFORE THE

APPLICANT: R. Craig Rodgers

ZONING HEARING EXAMINER

REQUEST: Variance to allow 5 panhandle
lots in the Agricultural District; 2616 and
2620 Winters Run Road, Joppa

OF HARFORD COUNTY

Hearing Advertised

Aegis: 10/27/99 & 11/3/99

Record: 10/29/99 & 11/53/99

HEARING DATE: December 8, 1999

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ZONING HEARING EXAMINER'S DECISION

The Applicant, R. Craig Rodgers, appeared before the Hearing Examiner requesting a variance to Section 267-22(G)(4) of the Harford County Code, to allow more than 4 panhandle lots on a parcel in the Agricultural District.

The subject parcel is owned by Robert and Virginia Spamer and is located at 2616 and 2620 Winters Run Road in the First Election District. The parcels are identified as Parcel Nos. 314, 287 and 484, on Tax Map 61. The total parcel contains 37 acres, all of which is zoned Agricultural.

Mr. Craig Rodgers appeared and testified that he has been retained by the property owners as a consultant. Mr. Rodgers said the subject property was previously owned by Baltimore Gas & Electric Company and was sold to the property owners. A parcel know as Lot 10 was previously created and is improved by a single-family dwelling which is currently under construction. He said an additional 9.69 acres of the right-of-way was purchased by the property owners and is shown as Lot 11 on the site plan. He went on to explain the frontage and access to the new Lot 11 is proposed to be created by splitting the existing 25 foot panhandle to Lot 10 into two 12-1/2 foot panhandles. Mr. Rodgers also testified that the actual access will be from the existing paved common drive serving several other dwellings on the parcel.

Case No. 4979 - R. Craig Rodgers

Mr. Rodgers said he did not feel that a fifth panhandle would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the proposed lot is landlocked and the variance would prevent any further disturbance to steep slopes on the flood plain, woods and wetlands between the parcel and Winters Run Road.

Mr. Anthony S. McClune, Manager, Division of Land Use Management for the Department of Planning and Zoning, appeared and testified that the Staff has met and reviewed the Applicant's request and found that the proposal will not adversely impact the neighborhood and/or the intent of the Code. Mr. McClune went on to testify that the shape, access and topography of the lot are unique, as well as the existence of the Natural Resource District and flood plains. Mr. McClune said that the Staff recommended conditional approval to allow a fifth panhandle lot.

No protestants appeared in opposition to the Applicant's request.

CONCLUSION:

The Applicant is requesting a variance to Section 267-22(G)(4) of the Harford County Code, to allow more than 4 panhandles in a group. The Applicant is proposing one additional panhandle lot.

Section 267-22(G)(4) provides:

"Panhandle-lot requirements. Panhandle lots shall be permitted for agricultural and residential uses, to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following requirements:

- (4) Groups not exceeding four (4) lots may have two (2) lots on panhandles in accordance with the following criteria. Panhandle lots and subdivisions shall have, as a minimum, the following width:
 - (a) Single panhandles: twenty-five (25) feet.
 - (b) Double panhandles: twelve and one-half (12-1/2 feet each, for a total of twenty-five (25) feet."


Case No. 4979 - R. Craig Rodgers

The uncontradicted testimony of the Applicant and Mr. McClune was that the subject property is unique due to its configuration and also due to the fact that it is landlocked. The evidence indicates that there are environmentally sensitive areas on the parcel which should not be disturbed. No evidence was introduced that approval of the variance will be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the request to allow a fifth panhandle lot on the subject parcel be approved, subject to the following conditions:

1. That the Applicant shall submit a detailed preliminary plan to the Department of Planning and Zoning for review and approval. The Applicant shall submit a final plat for approval and recordation.
2. That the Applicant shall obtain all necessary permits for construction of the proposed dwelling on Lot 11.

Date JANUARY 13, 2000



L. A. Hinderhofer
Zoning Hearing Examiner